

SUBCHAPTER Y : MEDICAL WASTE MANAGEMENT

§330.1001. Purpose.

The purpose of these sections is to establish procedures and requirements for the handling, transportation, and disposal of special waste from health care related facilities as defined in 25 TAC §1.132 (relating to Definitions) which has been identified by the Board of Health as waste which requires special handling to protect human health or the environment.

§330.1002. Applicability.

These sections are applicable to persons who generate, collect, transport, store, process, treat or dispose of special wastes from health care related facilities. These sections shall not apply to the entities identified in §330.1004(a) of this title (relating to Generators of Medical Waste). These sections shall not apply to waste which is subject to 25 TAC Chapter 289 (relating to Radiation Control).

§330.1003. Definitions.

The words, terms, and abbreviations, when used in these sections, are defined in 25 TAC §1.132 (relating to Definitions) and/or in §330.2 of this title (relating to Definitions). When the definitions found in 25 TAC §1.132 (relating to Definitions) are changed, such changes shall prevail over the definitions found in §330.2 of this title (relating to Definitions).

§330.1004. Generators of Medical Waste.

(a) The requirements of this section are applicable to any entity which generates special wastes from health care related facilities including, but not limited to, the entities identified in 25 TAC §1.134 (relating to Application), but are not applicable to the entities identified as follows:

- (1) single or multi-family dwellings; and
- (2) hotels, motels or other establishments which provide lodging and related services for the public.

(b) All entities subject to this section shall identify and segregate special wastes from health care related facilities, as defined in §330.2 of this title (relating to Definitions), from ordinary rubbish and garbage produced within or by the entity. Other regulated medical waste, as defined in §330.2 of this title (relating to Definitions), may be combined with special wastes from health care related facilities or may be identified and segregated as a separate waste stream. Where special wastes from health care related facilities and other regulated medical wastes are mixed, the mixed waste shall be considered to be special waste from health care related facilities.

(c) Requirements for special wastes from health care related facilities, if treated on-site, shall be as follows:

(1) Special waste from health care related facilities shall be treated in accordance with the provisions of 25 TAC §1.136(a) (relating to Approved Methods of Treatment and Disposition). Alternative treatment technologies may be approved in accordance with requirements found in 25 TAC §1.135 (relating to Performance Standards for Commercially-Available Alternate Treatment Technologies for Special Waste from Health Care Related Facilities). The approved treatment methods as defined in 25 TAC §1.132 (relating to Definitions) are:

- (A) chemical disinfection;
- (B) incineration;
- (C) encapsulation (only for sharps in containers);
- (D) steam disinfection;
- (E) thermal inactivation;
- (F) chlorine disinfection/maceration; and
- (G) moist heat disinfection.

(2) An entity which treats waste generated on-site shall comply with the provisions of 25 TAC §1.136(c) (relating to Approved Methods of Treatment and Disposition). An entity providing on-site treatment services on mobile vehicles shall register with the Texas Natural Resource Conservation Commission (TNRCC) in accordance with §330.1010 of this title (relating to On-Site Treatment Services on Mobile Vehicles).

(3) An entity which generates 50 pounds or less per calendar month of special wastes from health care related facilities on-site and which treats all or part of the wastes on-site shall maintain a written record which, at a minimum, contains the following information:

- (A) the date of treatment;
- (B) the amount of waste treated;
- (C) the method/conditions of treatment; and
- (D) the name (printed) and initials of the person(s) performing treatment.

(4) An entity which generates more than 50 pounds per calendar month of special wastes from health care related facilities and which treats all or part of the wastes on-site shall maintain

a written record which, at a minimum, contains the following information for each batch of waste treated:

- (A) the date of treatment;
- (B) the amount of waste treated;
- (C) the method/conditions of treatment;
- (D) the name (printed) and initials of the person(s) performing treatment; and
- (E) a written procedure for the operation and testing of any equipment used and a written procedure for the preparation of any chemicals used in treatment.

(i) A minimum 4 log₁₀ reduction (as defined in 25 TAC §1.132) shall be demonstrated on routine performance testing using appropriate *Bacillus species* biological indicators (as defined in 25 TAC §1.132). Testing shall be conducted at the following intervals:

(I) for generators of greater than 50 pounds but less than or equal to 100 pounds per month, testing shall be conducted at least once per month;

(II) for generators of greater than 100 pounds but less than or equal to 200 pounds per month, testing shall be conducted at least biweekly;

(III) for generators of greater than 200 pounds per month, testing shall be conducted at least weekly;

(ii) For those processes for which the manufacturer has documented compliance with the performance standard prescribed in 25 TAC §1.135 (relating to Performance Standards for Commercially-Available Alternate Treatment Technologies for Special Waste from Health Care Related Facilities) based on specified parameters (for example, pH, temperature, pressure, etc.), and for previously approved treatment processes for which a continuous readout of operating parameters is available, routine parameter monitoring may be substituted for biological monitoring.

(iii) The manufacturer of single-use, disposable treatment units shall be responsible for maintaining adequate quality control for each lot of single-use products.

(iv) Medical waste incinerators shall comply with the requirements in §111.123 of this title (relating to Medical Waste Incinerators) in lieu of biological or parametric monitoring.

(5) The generator shall provide for the appropriate disposal of treated and untreated special waste from health care related facilities.

(d) Requirements for disposal of special wastes from health care related facilities which have been treated on-site in accordance with the provisions of 25 TAC §1.136(a) (relating to Approved Methods of Treatment and Disposition) are as follows:

(1) Microbiological waste, blood, blood products, body fluids, laboratory specimens of blood and tissue, and animal bedding which have been treated in accordance with the provisions of 25 TAC §1.136(a) (relating to Approved Methods of Treatment and Disposition) may be discarded with routine municipal solid waste provided any markings which identify the waste as a special waste from health care related facilities are covered with a label which identifies the waste as treated medical waste. The identification of the waste as treated may be accomplished by the use of color-coded, disposable containers for the treated waste or by a label which states that the contents of the disposable container have been treated in accordance with the provisions of 25 TAC §1.136(a) (relating to Approved Methods of Treatment and Disposition).

(2) Carcasses and body parts of animals designated as a special waste from health care related facilities which have been treated in accordance with the provisions of 25 TAC §1.136(a) (relating to Approved Methods of Treatment and Disposition) may, after treatment, be disposed of in a permitted landfill in accordance with the provisions of §330.136(b)(2) of this title (relating to Disposal of Special Wastes). The collection and transportation of these wastes shall conform to the applicable local ordinance or rule, if such ordinance or rule is more stringent than these sections.

(3) Recognizable human body parts, tissues, fetuses, organs, and the products of human abortions, spontaneous or induced, shall not be disposed of in a municipal solid waste landfill. These items shall be disposed of in accordance with the provisions of 25 TAC §1.136(a)(4) (relating to Approved Methods of Treatment and Disposition).

(4) Sharps which have been treated in accordance with the provisions of 25 TAC §1.136(a) (relating to Approved Methods of Treatment and Disposition) shall be disposed of as follows:

(A) Broken glassware and pipets may be placed in puncture-resistant packaging and discarded with routine municipal solid waste.

(B) Hypodermic needles, syringes with attached needles, scalpel blades, and/or razors shall be placed in containers designed for sharps. If the container's contents have not been encapsulated, then the container shall be segregated from the regular municipal solid waste collection system and shall be collected and transported without compaction for disposal in a permitted municipal solid waste landfill.

(C) Sharps placed in containers designed for sharps may be encapsulated by addition of an agent to the container which will solidify and encase the contents of the container with a solid matrix. The agent must completely fill the container. The container and solidified contents must withstand an applied pressure of 40 pounds per square inch without disintegration. The container shall be identified as containing sharps which have been encapsulated in accordance with this subparagraph and may be discarded with routine municipal solid waste.

(D) Sharps which have been treated by an approved method which incorporates grinding and/or shredding may be disposed as routine municipal solid waste if the sharps have been made unrecognizable and significantly reduced in ability to cause puncture wounds.

(e) Unused hypodermic needles, syringes with attached needles, and scalpel blades shall be disposed of as treated sharps as specified in subsection (d)(4)(B) or (C) of this section.

(f) For the purposes of this section, on-site shall mean a facility consisting of:

(1) any contiguous structures, or portion thereof, which are operated by single entity;

(2) any structures located on contiguous properties which are operated by single entity;

(3) any combination of structures operating as a single entity under a license issued by the Texas Department of Health (department);

(4) any combination of structures operated as a single entity by the State of Texas which the executive director determines would otherwise meet the definition of paragraphs (1)-(3) of this subsection; and

(5) any structure owned and/or managed by a single entity described in paragraph (3) or (4) of this subsection and which meets the following requirements:

(A) general waste management shall be provided by the entity to facilities within the structure;

(B) individual generators within the structure shall maintain records in accordance with subsections (h)(4) and (5) of this section;

(C) waste shall be identified and packaged in accordance with subsection (i) of this section;

(D) if waste must be transported over public roadways (excluding crossing a public roadway), compliance with §330.1005 of this title (relating to Transporters of Medical Waste) is required;

(E) waste from any source other than a facility in such structure shall not be accepted as on-site generated waste;

(F) if the waste is not to be treated on-site, it shall be released only to a registered medical waste transporter. The entity shall provide the transporter with a list of the waste collected as well as the identity of the waste generator.

(g) Other regulated medical waste which has not been mixed or commingled with special wastes from health care related facilities may be discarded with routine municipal solid waste provided

a label has been affixed to the container which states that the waste within the container is not a special waste from health care related facilities. If such waste is not contained within recognizable biohazard bags, no label is required.

(h) Requirements for shipment of untreated special wastes from health care related facilities off-site are as follows:

(1) Untreated special wastes from health care related facilities which are to be shipped off-site for treatment or disposal must be identified and packaged in accordance with the provisions of subsection (i) of this section.

(2) Shipments of untreated special wastes from health care related facilities shall be released only to a transporter who is registered with the commission to transport special wastes from health care related facilities as required in §330.1005 of this title. Release of untreated waste to unregistered transporters shall be a violation of this paragraph. This requirement shall not be effective until 60 days after the effective date of rules requiring registration of transporters of special wastes from health care related facilities.

(3) The generator shall obtain from the transporter a signed receipt for each shipment of regulated medical waste using a form provided by, or approved by, the commission.

(4) The generator shall maintain a file of receipts for shipments of special waste from health care related facilities for a period of three years following the date of shipment. This time period may be extended by the commission for investigative purposes or in case of enforcement action. Failure to maintain the file of receipts in an orderly fashion, destruction of receipts prior to the end of the specified time, or destruction of receipts prior to the expiration of an extended retention time shall be a violation of this paragraph.

(5) The file of receipts for shipments of special wastes from health care related facilities shall be available for inspection by commission personnel during normal business hours without prior notice. Refusal to allow commission personnel to inspect such file during normal hours shall be a violation of this paragraph.

(6) For the purpose of this subsection, the United States Postal Service is a registered transporter. A receipt for registered mail shipment shall satisfy the requirements of paragraph (3) of this subsection.

(i) Requirements for identification and packaging of special wastes from health care related facilities are as follows:

(1) Special wastes from health care related facilities, other than sharps, shall be placed in a plastic bag which meets the requirements of ASTM Standard Number D 1709-85 using a 165 gram dart. If empty containers which held free liquids are placed into the bag, one cup of absorbent material for each six cubic feet, or fraction thereof, of bag volume must be placed in the bottom of the bag.

(2) The bag containing special wastes from health care related facilities shall be placed in a rigid container which is constructed of a material which meets or exceeds the strength of 200 pound, C-Flute board.

(3) If the waste contains free liquids in containers, the plastic bag and/or the rigid container shall contain absorbent material sufficient to absorb 15% of the volume of free liquids placed in the bag.

(4) The outer container shall be conspicuously marked with a warning legend which must appear in English and in Spanish, along with the international symbol for biohazardous material. The warning must appear on the sides of the container, twice in English and twice in Spanish. The wording of the warning legend shall be as follows: "CAUTION, contains medical waste which may be biohazardous" and "CAU-CION, contiene desechos medicos que pueden ser biopeligroso."

(5) The generator shall affix to each container a label which contains the name and address of the generator and either the date of shipment or an identification number for the shipment.

(6) The transporter shall affix to each container a label which contains the name, address, telephone number, and state registration number of the transporter. This information may be printed on the container.

(7) The printing on labels required in paragraphs (5) and (6) of this subsection shall be done in indelible ink with letters at least 0.5 inch in height. A single label may be used to satisfy the requirements of paragraphs (5) and (6) of this subsection. If a single label is used, the transporter shall insure the label is affixed to or printed on the container.

(8) The requirements of paragraphs (5) and (6) of this subsection shall not apply to shipments where the United States Postal Service is the transporter.

(9) Sharps must be placed in a marked, puncture-resistant rigid container designed for sharps. This container may be placed in the plastic bag described in paragraph (1) of this subsection. The bag must then be placed in a rigid container as described in paragraph (2) of this subsection.

(j) The commission may waive any or all of the requirements in this section when, in the judgment of the executive director or his/her designee, a situation exists which requires a waiver of such requirements in order to protect the public health and safety from the effects of a natural or man-made disaster.

§330.1005. Transporters of Medical Waste.

(a) The requirements of this section are applicable to any person who collects for transport or who transports untreated medical waste which is designated as a special waste from health care related facilities unless that person is exempt under the provisions of subsection (p) of this section.

(b) Transporters shall register their operations with the commission no later than the effective date of these sections. Persons who plan to transport untreated special waste from health care related facilities after the effective date of this section shall register with the commission prior to commencing operations. Registration forms will be provided by the commission upon request. The following information must be provided for registration:

- (1) name, address, and telephone number of registrant;
- (2) name, address, and telephone number of partners, corporate officers, and directors;
- (3) description of vehicles to be registered, including:
 - (A) make, model, and year of vehicle;
 - (B) motor vehicle identification number;
 - (C) vehicle license plate (tag) number including state and year; and
 - (D) name of vehicle owner; and

(4) name and driver's license number (including the state issuing the license) for all vehicle operators.

(c) Persons who apply to the commission for registration and receive said registration shall maintain a copy of the registration form, as annotated by the commission with an assigned registration number, at their designated place of business and in each vehicle used to transport untreated special waste from health care related facilities.

(d) Registrations shall expire 12 months after the date of issuance. Registrations are required to be renewed annually prior to the expiration date. Applications for renewal must contain the same information as the initial registration and shall be submitted to the commission at least 60 days prior to the expiration date. An application for renewal may be obtained from the Permits Section of the Municipal Solid Waste Division.

(e) Transporters shall notify the commission, by letter, within 15 days of any changes to their registration if:

- (1) the amount of untreated special waste from health care related facilities or total operation is expanded by 50% over that originally registered;
- (2) the office or place of business is moved;
- (3) the name of registrant or owner of the operation is changed;
- (4) the name of the partners, corporate directors, or corporate officers change; or

(5) additional drivers are employed. The notification for additional drivers may be done at six-month intervals.

(f) Revocation or denial of registration procedures are as follows.

(1) The commission may revoke a registration or refuse to issue a registration for:

- (A) failure to maintain a complete and accurate record of shipments of waste;
- (B) failure to maintain vehicles in safe working order as evidenced by citations from the Texas Department of Public Safety or local traffic law enforcement agencies;
- (C) falsification of waste shipping documents or shipment records;
- (D) delivery of untreated special waste from health care related facilities to a facility not authorized to handle the waste;
- (E) failure to comply with any rule or order issued by the commission pursuant to the requirements of this chapter;
- (F) failure to submit required annual reports or pay registration fees;
- (G) failure to maintain insurance or provide proof of insurance as required in subsection (j) of this section;
- (H) illegal disposal of untreated or treated medical waste; or
- (I) collection or transportation of medical waste without registration as required in this section; or
- (J) such other cause sufficient to warrant termination or suspension of the registration.

(2) Appeal of revocation or denial procedures are as follows:

(A) An opportunity for a public hearing on the revocation of registration may be requested in writing by the registrant by certified mail, return receipt requested, provided the request is postmarked within 20 days after a notice of revocation has been sent from the commission to the last known address of the registrant. If the registration is revoked, a transporter shall not transport untreated special waste from health care related facilities regulated under this subchapter. The period of revocation shall be not less than one year nor more than five years.

(B) An opportunity for a public hearing on the denial of registration or renewal of registration may be requested in writing by the applicant by certified mail, return receipt requested, provided the request is postmarked within 20 days after a notice of denial has been sent from the

commission to the address listed on the application. If the registration is denied, a person shall not collect or transport untreated special waste from health care related facilities regulated under this subchapter.

(g) Requirements for vehicles used to collect or transport untreated medical waste are as follows:

(1) Vehicles used to collect and or transport medical waste shall:

(A) have a fully enclosed, leak-proof, cargo-carrying body, such as a cargo compartment, box trailer, or roll-off box;

(B) protect the waste from mechanical stress or compaction;

(C) carry spill cleanup equipment including, but not limited to, disinfectants, absorbent materials, personal protective equipment, such as gloves, coveralls, and eye protection, and leakproof containers or packaging materials; and

(D) have the following identification on the two sides and back of the cargo-carrying compartment in letters at least three inches high:
(the name of the transporter)
TNRCC: (the TNRCC-assigned registration number)
Caution: Medical Waste.

(2) The cargo compartment of the vehicle shall:

(A) be maintained in a sanitary condition;

(B) be locked when the vehicle is in motion;

(C) be locked when waste is present in the compartment except during loading or unloading of waste;

(D) have a floor and sides made of an impervious, nonporous material; and

(E) have all discharge openings securely closed during operation of the vehicle.

(h) Vehicles used to transport medical waste shall not be used to transport any other material until the vehicle has been cleaned and the cargo compartment disinfected. A written record of the date and the process used to clean and disinfect the vehicle shall be maintained for three years unless the commission shall direct a longer holding period. The record must identify the vehicle by motor vehicle identification number or license tag number. The owner of the vehicle, if not the registrant, shall be notified in writing that the vehicle has been used to transport medical waste and when and how the vehicle was disinfected.

(i) Shipments of untreated special waste from health care related facilities shall not be commingled or mixed during transport or storage with trash, rubbish, garbage, hazardous waste, asbestos, or radioactive waste regulated under 25 TAC Chapter 289 (relating to Radiation Control).

(j) Transporters seeking registration under this subchapter shall submit evidence of financial responsibility in conformance with the requirements contained in this subsection. Registrants who are state or federal government entities whose debts and liabilities are the debts and liabilities of a State or the United States are exempt from the requirements contained in this subsection.

(1) Transporters shall provide evidence of financial responsibility as follows:

(A) a combined, single-limit automobile liability insurance policy with limits of at least \$1 million per accident, exclusive of legal defense costs; and

(B) either a pollution liability policy with a limit of \$500,000 if the transporter registers one to seven vehicles or a limit of \$1 million if the transporter registers more than seven vehicles, exclusive of legal defense costs; or

(C) an irrevocable letter of credit made payable to the Texas Natural Resource Conservation Commission in the following amount:

(i) if the transporter registers three or less self-contained trucks or transport vehicles (not tractor-trailer units), a letter for \$10,000;

(ii) if the transporter registers more than three self-contained trucks or transporter vehicles (not tractor-trailer units), a letter for \$35,000;

(iii) if the transporter registers three or less tractor-trailer vehicles, a letter for \$25,000; or

(iv) if the transporter registers more than three tractor-trailer vehicles, a letter for \$50,000.

(D) Transporters are responsible for any liability costs that exceed the dollar limits set in this subsection.

(2) Insurance requirements.

(A) Evidence of insurance coverage is demonstrated by submitting original certificate(s) of insurance to the following address: Texas Natural Resource Conservation Commission, Financial Assurance Section, P.O. Box 13087, Austin, Texas 78711-3087. These certificates shall be submitted prior to the registrant receiving approval as a registered transporter.

(B) The registered transporter must be the named insured on the certificate of insurance and the certificate holder must be listed as the Texas Natural Resource Conservation Commission, Attn: Financial Assurance Section.

(C) The cancellation statement on the certificate shall read as follows:
"Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail a 60-day written cancellation notice to the certificate holder named to the left."

(D) Upon the executive director's receipt of a cancellation notice, the transporter shall seek to obtain alternate insurance coverage and submit evidence of such coverage to the commission before the effective date of the cancellation. Failure to do so will result in revocation of the registration.

(E) Evidence of pollution liability coverage is demonstrated by submitting a MCS 90 form along with the original certificate for the automobile coverage. The schedule of Insured Vehicles must accompany the certificate of insurance.

(F) Insurance coverage must be issued for at least one year by a carrier that is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states. The issuing institution must be acceptable to the executive director.

(G) An original or certified copy of the insurance policy shall be provided within 30 days from the date requested by executive director of the Texas Natural Resource Conservation Commission.

(3) Letter of credit requirements.

(A) Letters of credit must conform to the requirements of subsection (j)(3) of this section. An original letter of credit shall be submitted prior to the registrant receiving approval as a registered transporter. The letter of credit should be mailed to the following address: Texas Natural Resource Conservation Commission, Financial Assurance Section, P.O. Box 13087, Austin, Texas 78711-3087.

(B) The issuing institution must be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or State agency. The issuing institution must be acceptable to the executive director.

(C) The wording of the letter of credit must be identical to the wording specified in subsection (j)(4) of this section except that instructions in brackets are to be replaced with the relevant information and the brackets are to be deleted.

(D) Letters of credit must be irrevocable and issued for a period of at least one year. Letters of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the registered transporter and the executive director by certified mail, return receipt

requested, of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days begins on the date when both the registered transporter and the executive director have received the notice, as evidenced by the return receipts.

(E) Upon the executive director's receipt of a cancellation notice, the transporter shall seek to obtain alternate insurance coverage and submit evidence of such coverage to the commission before the effective date of the cancellation. Failure to do so will result in revocation of the registration.

(F) The executive director may return the letter of credit to the issuing institution for termination when:

(i) the registered transporter substitutes and receives approval from the executive director for alternate financial assurance; or

(ii) the executive director releases the registered transporter from the requirements of this section.

(4) Letter of credit wording.

IRREVOCABLE STANDBY LETTER OF CREDIT

Executive Director
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of (registered transporter's name, address, and registration number) up to the aggregate amount of (in words) U.S. dollars \$ _____, available upon presentation of

(1) Your sight draft, bearing reference to this letter of credit No. _____, and

(2) Your signed statement reading as follows: "I certify that (registered transporter's name) is not in compliance with the Municipal Solid Waste Regulations as they pertain to transporters of medical waste."

This letter of credit is effective as of [date] and shall expire on (date at least one year later), but such expiration date shall be automatically extended for a period of (at least one year) on (date) and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify in writing both you and (registered transporter's name) by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after

the date of receipt by both you and (registered transporter's name), as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us and we shall issue a check in the amount of the draft payable to the Texas Natural Resource Conservation Commission.

This credit is subject to (insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code").

(Signature(s) and title(s) of official(s) of issuing institution)

(Date)

(5) Incapacity of registered transporters or the issuing institutions.

(A) Registered transporters shall notify the executive director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code, naming the registered transporter as debtor, within ten business days after the commencement of the proceeding.

(B) Registered transporters who fulfill the financial assurance requirements by obtaining insurance or a letter of credit, will be deemed to be without the required financial assurance coverage in the event of bankruptcy, insolvency, or a suspension or revocation of the license or charter of the issuing institution. Registered transporters shall establish other acceptable financial assurance coverage within 30 days after such an event.

(k) The transporter shall furnish the generator a signed receipt for each shipment at the time of collection of the waste. The receipt shall include the name, address, telephone number, and registration number of the transporter. The receipt shall also identify the generator by name and address, and shall list the weight of waste collected and date of collection. If certified scales are not available, the number of containers shall be listed, and the transporter must provide the generator with a written statement of the total weight of the containers within 30 days.

(l) The transporter shall initiate and maintain a record of each waste shipment collection and deposition. Such record shall be in the form of a waste shipping document or other similar documentation approved by the commission. Forms will be provided by, or may be approved by, the commission. The transporter shall retain a copy of all waste shipping documents showing the collection and disposition of the medical waste. The transporter shall provide to the generator a copy of the waste shipping document bearing documentation of receipt of the untreated special waste from health care related facilities by a permitted facility which is not subject to §330.171 of this title (relating to Recordkeeping Requirements Applicable to Owners or Operators of Type V Processing Facilities) within 30 days of receipt by such facility. Copies of waste shipping documents shall be retained by the

transporters for three years in the main transporter office and made available to the commission upon request. The waste shipping document shall include the:

(1) transporter's name, address, telephone number, and commission's assigned transporter registration number;

(2) name and address of the person who generated the untreated special waste from health care related facilities and the date collected;

(3) number of containers of untreated special waste from health care related facilities collected for transportation and the total weight of the containers from each generator which must be added when certified scales are available;

(4) name of persons collecting, transporting, and unloading the medical waste;

(5) date and place where the untreated special waste from health care related facilities was deposited or unloaded;

(6) identification (permit or registration number, location, and operator) of the facility where the untreated special waste from health care related facilities was deposited; and

(7) name and signature of facility representative acknowledging receipt of the untreated special waste from health care related facilities and the weight of waste received.

(m) The transporter must be able to provide documentation of each waste shipment from the point of collection through and including the unloading of the waste at a facility permitted to accept the waste. The original shipping document must accompany each shipment of untreated waste to its final destination. The transporter is responsible for the proper collection and deposition of untreated medical waste accepted for transport.

(n) Shipments of untreated special waste from health care related facilities shall be deposited only at a facility which has been permitted by the commission to accept untreated special waste from health care related facilities. Untreated special waste from health care related facilities which is transported out of the state must be deposited at a facility which is permitted by the appropriate state agency having jurisdiction to accept such waste.

(o) Transporters shall not accept untreated medical waste which is not packaged in accordance with the provisions of §330.1004(i) of this title (relating to Generators of Medical Waste). Transporters shall not accept containers of medical waste which are leaking or damaged unless or until the shipment has been repackaged.

(p) Exemptions are as follows.

(1) Generators who generate less than 50 pounds per month of special waste from health care related facilities may transport their own untreated waste to a registered medical waste

collection station, a transfer station, a storage facility, or a processing facility without complying with the requirements of this section.

(2) Generators who generate more than 50 pounds per month of special waste from health care related facilities may transport their own waste to a transfer station, a storage facility, or a processing facility and shall comply with subsections (g)-(o) of this section; they shall be exempt from subsections (a)-(f) of this section. These generators must notify the commission that they are transporting their own waste and must submit an annual summary report.

(3) Generators who are located in facilities contiguous to a permitted processing facility may transport their untreated waste to the processing facility without complying with the requirements of §330.1004(i) of this title (relating to Generators of Medical Waste) provided the waste is identified as untreated waste, and provided the waste is not transported along a public roadway or right-of-way.

(q) Transporter fees are as follows.

(1) Transporters are required to pay an annual registration fee to the commission based upon the total weight of untreated medical waste transported.

(2) The amount of the annual registration fee shall be based upon the total weight of untreated medical waste transported under each registration. The fee for the first year of operation under a registration shall be based upon an estimate of the total weight of untreated medical waste to be transported. The fee paid for the first year of operation will be adjusted after submission of at least one annual report and one registration renewal, indicating the actual weight of untreated medical waste transported. An overpayment will be credited to the next year's registration fee or will be refunded. A billing notice for underpayment of the registration fee will be sent and payment will be due within 30 days after the date of the notice.

(3) The fees shall be determined as follows.

(A) For a total annual weight transported of 1,000 pounds of medical waste or less, the fee is \$100.

(B) For a total annual weight transported greater than 1,000 pounds of medical waste but equal to or less than 10,000 pounds of medical waste, the fee is \$250.

(C) For a total annual weight transported greater than 10,000 pounds of medical waste but equal to or less than 50,000 pounds of medical waste, the fee is \$400.

(D) For a total annual weight transported greater than 50,000 pounds of medical waste, the fee is \$500.

(4) The transporter's annual registration fee shall accompany the applicant's original or renewal registration application and shall be submitted in the form of a check or money order made

payable to the Texas Natural Resource Conservation Commission and delivered or mailed to: the Permits Section of the Municipal Solid Waste Division, Texas Natural Resource Conservation Commission, P.O. Box 13088, Austin, Texas 78711-3088.

(r) Transporters shall submit to the Permits Section of the Municipal Solid Waste Division an annual summary report of their activities through December 31 of each year. The report shall be submitted no later than March 1 of the year following the end of the report period. The report shall include the name(s) and address(es) of the facilities where the waste was deposited/unloaded, the registration/permit number of the facilities, and the amount of waste deposited/unloaded at each facility. The report shall indicate the amount of waste shipped out of state, the amount of waste shipped into the state, and the amount of waste generated and unloaded in the state. Forms for use in submitting the annual report may be obtained from the Permits Section of the Municipal Solid Waste Division.

§330.1006. Transfer of Shipments of Medical Waste.

Packages of medical waste shall not be transferred between vehicles unless the transfer occurs at and on the premises of a facility permitted as a transfer station, as a storage facility, or as a treatment/ processing facility which has been approved to function as a transfer station except as provided in §330.1008 of this title (relating to Medical Waste Collection Stations).

(1) In case of transport vehicle malfunction, the waste shipment may be transferred to an operational vehicle and the commission shall be notified of the incident in writing within five working days. The incident report shall list all vehicles involved in transporting the medical waste and the cause, if known, of the vehicle malfunction.

(2) In case of a traffic accident, the waste shipment may be transferred to an operating vehicle if necessary. Any containers of waste which were damaged in the accident shall be repackaged as soon as possible. The nearest regional office shall be notified of the incident no later than the end of the next working day. The incident report shall list all vehicles involved in transporting the medical waste.

§330.1007. Interstate Transportation.

Persons who engage in the transportation of medical waste from Texas to other states or countries or from other states or countries to Texas, or persons who collect or transport medical waste in Texas but have their place of business in another state, shall comply with all of the requirements for transporters contained in §330.1005 of this title (relating to Transporters of Medical Waste). If such persons also engage in any activity of managing medical waste in Texas by storage, processing, or disposal, they shall follow the applicable requirements for site operators of such activities. Persons who engage in the transportation of medical waste which does not originate or terminate in Texas are exempt from these regulations, except for §330.1005(g)(1) and (2) of this title (relating to Transporters of Medical Waste).

§330.1008. Medical Waste Collection Stations.

(a) Certain health care related facilities, licensed by the department, and located in less populated areas, may register with the commission as a collection station for untreated medical waste from generators of medical waste who generate less than 50 pounds per month of waste and who transport their own waste. Facilities which may request registration to function as a medical waste collection station include:

(1) a licensed hospital located in an incorporated area with a population of less than 25,000 and in a county with a population of less than one million; and

(2) a licensed hospital located in an unincorporated area which is not within the extraterritorial jurisdiction (ETJ) of a city with a population of more than 25,000 or within a county with a population of more than one million.

(b) To register with the commission as a medical waste collection station, the following information must be submitted to the Permits Section of the Municipal Solid Waste Division:

(1) the name and address of the facility;

(2) the name of the individual responsible for the operation of the facility;

(3) the license number of the facility; and

(4) the area to be served by the facility.

(c) A facility which has been registered by the commission as a medical waste collection station shall comply with the following provisions.

(1) A registered medical waste collection station may accept untreated medical waste only from those generators who generate less than 50 pounds per month of special waste from health care related facilities and who transport their own waste to the collection station.

(2) Waste delivered to a medical waste collection station must be packaged in accordance with the provisions of §330.1004(i) of this title (relating to Generators of Medical Waste) by the generator.

(3) A medical waste collection station must comply with the requirements for storage of medical waste which are applicable to permitted medical waste transfer and/or medical waste storage facilities.

(4) A facility registered as a medical waste collection station must release the waste only to a registered medical waste transporter. The collection station must provide the transporter with a list of the waste collected at the station including the identity of the waste generator.

(5) A facility registered as a medical waste collection station may not otherwise treat the waste unless permitted as a treatment facility.

§330.1009. Storage of Medical Waste.

(a) The storage of medical waste shall be in a secure manner and location which affords protection from theft, vandalism, inadvertent human or animal exposure, rain, water, and wind. The waste shall be managed so as not to provide a breeding place or food for insects or rodents, and not generate noxious odors.

(b) A permit for on-site storage of medical waste is not required for a generator who uses a medical waste storage facility only for the medical waste generated on-site or which has been registered as a medical waste collection facility.

(c) A permit for a medical waste storage facility is required if waste generated off-site is accepted for storage except under the conditions described in §330.1005(p)(3) of this title (relating to Transporters of Medical Waste) or the provisions of §330.1008 of this title (relating to Medical Waste Collection Stations).

(d) Transfer and storage facilities permitted to accept untreated medical waste, and registered medical waste transport vehicles shall maintain a storage temperature of 45 degrees Fahrenheit or less for waste held more than 72 hours. For registered transporters whose base of operations is located more than 200 miles from a permitted processing facility, untreated medical waste may be held up to one week without refrigeration.

(e) Medical waste generated off-site and held for more than 14 days is considered to be in storage, and executive director authorization is required.

§330.1010. On-site Treatment Services on Mobile Vehicles.

(a) The requirements of this section are applicable to any person who treats special waste from health care related facilities on mobile vehicles on the site of generation, but is not the generator of the waste.

(b) Providers of on-site treatment of special waste from health care related facilities on mobile vehicles shall register their operations with the commission no later than the effective date of these sections. Persons who plan to provide on-site treatment of special waste from health care related facilities on mobile vehicles after the effective date of this section shall register with the commission prior to commencing operations. Registration forms will be provided by the commission upon request. The following information shall be provided for registration:

- (1) name, address, and telephone number of registrant;
- (2) name, address, and telephone number of partners, corporate officers, and directors;

(3) description of vehicles to be registered, including:

- (A) make, model, and year of vehicle;
- (B) motor vehicle identification number;
- (C) vehicle license plate (tag) number including state and year; and
- (D) name of vehicle owner;

(4) name and driver's license number (including the state issuing the license) for all vehicle operators; and

(5) description of intended approved treatment method to be employed as well as routine performance testing/parameter monitoring to be utilized.

(c) Persons who receive a registration from the commission shall maintain a copy of the registration form, as annotated by the commission with an assigned registration number, at their designated place of business and in each vehicle used in treating special waste from health care related facilities.

(d) Registrations shall expire 12 months after the date of issuance unless renewed annually prior to the expiration date. Applications for renewal must contain the same information as the initial registration and shall be submitted to the commission at least 60 days prior to the expiration date. An application for renewal may be obtained from the Permits Section of the Municipal Solid Waste Division.

(e) Providers of on-site treatment of special waste from health care related facilities on mobile vehicles shall notify the commission, by letter, within 15 days of any changes to their registration if:

- (1) the method employed to treat special waste from health care related facilities changes;
- (2) the office or place of business is moved;
- (3) the name of registrant or owner of the operation is changed;
- (4) the name of the partners, corporate directors, or corporate officers change; or
- (5) additional drivers are employed.

(f) Revocation or denial of registration procedures are as follows:

(1) The commission may revoke a registration issued under this section or refuse to issue a registration for:

- (A) failure to maintain complete and accurate records of waste treated on-site;
- (B) failure to maintain vehicles in safe working order as evidenced by citations from the Texas Department of Public Safety or local traffic law enforcement agencies;
- (C) falsification of waste treatment records;
- (D) treatment of special waste from health care related facilities which is not in accordance with the provisions of 25 TAC §1.136(a) (relating to Approved Methods of Treatment and Disposition);
- (E) failure to comply with any rule or order issued by the commission pursuant to the requirements of this chapter;
- (F) failure to submit required annual reports or pay registration fees;
- (G) failure to maintain insurance or provide proof of insurance as required in subsection (j) of this section;
- (H) illegal disposal of untreated or treated medical waste; or
- (I) treatment or disposal of special waste from health care related facilities without registration as required in this section; or
- (J) such other cause sufficient to warrant termination or suspension of the registration.

(2) Appeal of revocation or denial procedures are as follows.

(A) An opportunity for a public hearing on the revocation of registration may be requested in writing by the registrant by certified mail, return receipt requested, provided the request is postmarked within 20 days after a notice of revocation has been sent from the commission to the last known address of the registrant. If the registration is revoked, a provider of on-site treatment of special waste from health care related facilities on mobile vehicles shall not treat such waste unless the provider is the generator. The period of revocation shall not be less than one year nor more than five years.

(B) An opportunity for a public hearing on the denial of registration may be requested in writing by the applicant by certified mail, return receipt requested, provided the request is postmarked within 20 days after a notice of denial has been sent from the commission to the address listed on the application. If the registration is denied, a provider of on-site treatment of special waste from health care related facilities on mobile vehicles shall not treat such waste unless the provider is the generator.

(g) Requirements for mobile vehicles used in the treatment of special waste from health care related facilities are as follows.

(1) Vehicles used in the treatment of special waste from health care related facilities shall:

(A) have a fully-enclosable, leak-proof, cargo carrying body; such as a cargo compartment, or box trailer;

(B) carry spill cleanup equipment including, but not limited to, disinfectants, absorbent materials, personal protective equipment, such as gloves, coveralls, and eye protection, and leakproof containers or packaging materials.

(2) The cargo compartment of the vehicle and any self-contained treatment unit(s) shall:

(A) be maintained in a sanitary condition;

(B) be secured when the vehicle is in motion;

(C) be made of such impervious, non-porous materials as to allow adequate disinfection/cleaning of the compartment or unit(s); and

(D) have all discharge openings securely closed during operation of the vehicle.

(h) Mobile vehicles used in the treatment of special waste from health care related facilities shall not be used to transport any other material until the vehicle has been cleaned and the cargo compartment disinfected. A written record of the date and the process used to clean and disinfect the vehicle shall be maintained for three years unless the commission shall direct a longer holding period. The record must identify the vehicle by motor vehicle identification number or license tag number. The owner of the vehicle, if not the registrant, shall be notified in writing that the vehicle has been used in the treatment of special waste from health care related facilities and when and how the vehicle was disinfected.

(i) Untreated special waste from health care related facilities shall not be commingled or mixed with hazardous waste, asbestos, or radioactive waste regulated under 25 TAC Chapter 289 (relating to Radiation Control) either before or after treatment.

(j) Each provider of on-site treatment of special waste from health care related facilities on mobile vehicles shall, unless otherwise exempted, excluded or prohibited by law, provide evidence of financial responsibility in the form of a general automobile liability policy consistent with that required by the Texas Department of Public Safety.

(k) Providers of on-site treatment of special waste from health care related facilities on mobile vehicles shall furnish the generator the documentation required in §330.1004(c)(4) of this title (relating to Generators of Medical Waste) for the generator's records.

(l) Providers of on-site treatment of special waste from health care related facilities on mobile vehicles shall maintain records of all waste treatment which includes the following information:

- (1) the name, address, and phone number of each generator;
- (2) the date of treatment;
- (3) the amount of waste treated;
- (4) the method/conditions of treatment;
- (5) the name (printed) and initials of the person(s) performing the treatment; and

(6) a written procedure for the operation and testing of any equipment used and a written procedure for the preparation of any chemicals used in treatment. Routine performance testing using biological indicators and/or monitoring of parametric controls shall be conducted in accordance with §330.1004(c)(4)(E) of this title.

(m) Providers of on-site treatment of special waste from health care related facilities on mobile vehicles shall not transport waste unless they are registered in accordance with §330.1005 of this title. Treated waste shall be left on-site for disposal with that facility's routine municipal solid waste and in a form that is suitable for landfill disposal.

(n) Providers of on-site treatment of special waste from health care related facilities on mobile vehicles shall ensure adequate training of all operators in the use of any equipment used in treatment.

(o) Providers of on-site treatment of special waste from health care related facilities on mobile vehicles shall have a contingency plan available in the event of any malfunction of equipment. If there is any question as to the adequacy of treatment of any load, that load shall be run again utilizing biological indicators to test for microbial reduction before the material is released for landfill disposal. If the waste must be removed from the site before treatment is accomplished, a registered transporter shall remove the waste and all other applicable sections of this chapter shall be in effect.

(p) Fees to be assessed of providers of on-site treatment of special waste from health care related facilities on mobile vehicles are as follows.

(1) Treatment providers are required to pay an annual registration fee to the commission based upon the total weight of special waste from health care related facilities treated on-site under each provider registration.

(2) The amount of the annual registration fee shall be based upon the total weight of special waste from health care related facilities treated on-site.

(3) The fees shall be determined as follows.

(A) For a total annual weight of waste treated on-site of 1,000 pounds or less, the fee is \$100.

(B) For a total annual weight of waste treated on-site greater than 1,000 but equal to or less than 10,000 pounds, the fee is \$250.

(C) For a total annual weight of waste treated on-site greater than 10,000 but equal to or less than 50,000 pounds, the fee is \$400.

(D) For a total annual weight of waste treated on-site greater than 50,000 pounds, the fee is \$500.

(4) The annual registration fee for each provider of on-site treatment of special waste from health care related facilities on mobile vehicles shall accompany the applicant's original or renewal registration application and shall be submitted in the form of a check or money order made payable to the Texas Natural Resource Conservation Commission and delivered or mailed to: Permits and Registrations Section of the Municipal Solid Waste Division, Texas Natural Resource Conservation Commission, P.O. Box 13088, Austin Texas 78711-3088.

(q) Providers of on-site treatment of special waste from health care related facilities on mobile vehicles shall submit to the commission's Permits Section of the Municipal Solid Waste Division an annual summary report of their activities for the calendar year from January 1 through December 31 of each year. The report shall be submitted no later than March 1 of the year following the end of the report period and shall contain all the information required in subsection (l) of this section.

(r) When a vehicle used to provide on-site treatment of special waste from health care related facilities has been jointly purchased by two or more health care related facilities and is used only to treat the waste generated by the facilities included in that purchase, those facilities shall be exempt from subsection (p) of this section. Such facilities shall be subject to all other subsections of this section. The vehicle/treatment unit shall be operated on the premises whereon the waste was generated, and only by a staff member of that facility, a member of the joint operating group, or the group's authorized operating contractor.

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